



Shops Act 1950

1950 CHAPTER 28

PART II

CONDITIONS OF EMPLOYMENT

Sunday Employment in England and Wales

22 Sunday employment

- (1) No person shall be employed on Sunday about the business of a shop which is open for the serving of customers on that day unless the following requirements are complied with—
- (a) in the case of a person so employed for more than four hours on any Sunday, that person shall—
 - (i) receive in respect of his employment on that Sunday a whole holiday on a day other than that of his statutory half-holiday, if any, and that whole holiday shall be on a weekday of the week beginning with that Sunday unless he has, in respect of his employment on that Sunday, already received such a holiday on a weekday of the previous week ;
 - (ii) not be employed about the business of a shop on more than two other Sundays in the same month ;
 - (b) in the case of a person not so employed for more than four hours on a Sunday in any month, that person shall receive in respect of his employment on any Sunday in the month a half-holiday in addition to his statutory half-holiday, if any, and that additional half-holiday shall be on a weekday of the week beginning with that Sunday unless he has, in respect of his employment on that Sunday, already received such a half-holiday on a weekday of the previous week:

Provided that this subsection shall not apply—

- (i) to any person employed wholly or mainly in connection with the sale of intoxicating liquor; or

Status: This is the original version (as it was originally enacted).

- (ii) to any shop assistant employed in any premises for the sale of refreshments to whom the provisions of paragraphs (a), (b), (c) and (d) of subsection (3) of the last foregoing section apply by virtue of an election made under that section by the occupier of the premises; or
 - (iii) to any person employed wholly or mainly as a milk roundsman; or
 - (iv) to any person wholly employed in the transaction of post office business ; or
 - (v) to any registered pharmacist within the meaning of the Pharmacy and Poisons Act, 1933, employed in connection with the sale or supply of medicines or medical or surgical appliances in any premises required to be kept open on Sunday for the serving of customers in pursuance of a contract between the occupier of the premises and an Executive Council—
 - (a) if he is not employed for more than two hours on that Sunday, and has not been employed on the previous Sunday, and
 - (b) if on a weekday (other than the day of the statutory half-holiday) of the previous week or of the week commencing with the Sunday on which he is so employed, either he has not been, or will not be, employed before half-past ten o'clock in the morning, or has not been, or will not be, employed after six o'clock in the afternoon.
- (2) For the purposes of this section—
- (a) a person who works about the business of a shop for the occupier thereof shall be deemed to be employed notwithstanding that he receives no reward for his labour;
 - (b) in relation to any person employed about the business of a shop the following expressions have the meanings hereby respectively assigned to them, that is to say,
 - " whole holiday " means a day on which that person is not employed about the business of that shop;
 - " statutory half-holiday " means a day on which under section seventeen of this Act he is not employed about the business of that shop after half-past one o'clock in the afternoon ;
 - " half-holiday " means a day on which he is either not employed before, or not employed after, half-past one o'clock in the afternoon of that day about the business of that shop.
- (3) The occupier of any shop which by virtue of any provision of Part IV of this Act, other than section sixty-two, is open for the serving of customers on Sunday shall keep in the prescribed form and in the prescribed manner a record of the names of and the hours worked by all the persons employed about the business of the shop on Sunday who are entitled to any holidays prescribed by this section, and of the respective days of the week upon which those persons receive those holidays.
- (4) Nothing in this section shall authorise the employment of any person at any time when it would under any other provision of this Act or under the Sunday Entertainments Act, 1932, be unlawful for him to be so employed.
- (5) Nothing in this section shall apply to the carrying on on Sunday of the business of a retail dealer in butchers' meat.
- (6) In the case of any contravention of this section, the-occupier of the shop shall be liable to a fine not exceeding—
- (a) in the case of a first offence, five pounds ;

(b) in the case of a second or subsequent offence, twenty pounds.

In considering for the purposes of this subsection whether an offence is or is not a first offence, any offence under subsection (1) of section fifty-nine of this Act shall be treated as if it were an offence under this subsection.

(7) This section shall not extend to Scotland.

23 Sunday employment in retail trading elsewhere than in shops

The last foregoing section shall extend to any place outside Scotland where any retail trade or business is carried on as if that place were a shop, and as if in relation to any such place the person by whom the retail trade or business is carried on were the occupier of a shop, but as so extended shall apply only to persons wholly or mainly employed in connection with the retail trade or business carried on at that place.